

## REMARKS

Claims 1-16 are pending in the application. In the final Office Action of March 19, 2008, the Examiner made the following disposition:

- A.) Rejected claims 1-16 under 35 U.S.C. §112, second paragraph.
- B.) Rejected claims 1-16 under 35 U.S.C. §102(b) as being anticipated by *Hunt (U.S. 6,381,735)*.

Applicant respectfully traverses the rejections and addresses the Examiner's disposition below.

A.) Rejection of claims 1-16 under 35 U.S.C. §112, second paragraph:

Claims 1, 7, 13, and 16 have been amended as per the Examiner's request to overcome the rejection.

Claims 2-6, 8-12, 14, and 15 depend directly or indirectly from claim 1, 7, or 13 and are therefore allowable for at least the same reasons that claims 1, 7, and 13 are allowable.

Applicant respectfully submits the rejection has been overcome and requests that it be withdrawn.

B.) Rejection of claims 1-16 under 35 U.S.C. §102(b) as being anticipated by *Hunt (U.S. 6,381,735)*.

Applicant respectfully disagrees with the rejection.

Independent claims 1, 7, 13, and 16 each claim subject matter relating to optimizing a program. A statistical profile of a program execution is automatically analyzed. Object code of the program is automatically optimized based on the analysis, information about at least one prior compilation of the program, and information about at least one prior optimization of the program. The automatic optimizing includes determining that additional information is required to optimize the object code of the program, performing a first compiling of a portion of the program, executing the first compiled portion of the program, gathering the additional information, and performing a second compiling of the portion of the program using the gathered additional information. (See, e.g., Figure 3, steps 304-310).

This is clearly unlike *Hunt*, which fails to disclose or suggest performing a first compile of a portion of a program, gathering information during program execution, and then performing a second compile of the portion of the program using the gathered information. Nowhere does *Hunt* teach or suggest performing a first compile, gathering information, and then performing a second compile using the gathered information. This is simply not discussed in *Hunt*.

Therefore, *Hunt* fails to disclose or suggest claims 1, 7, 13, and 16.

Claims 2-6, 8-12, 14, and 15 depend directly or indirectly from claims 1, 7, or 13 and are therefore allowable for at least the same reasons that claims 1, 7, and 13 are allowable.

Applicant respectfully submits the rejection has been overcome and requests that it be withdrawn.

Conclusion:

In view of the foregoing, it is submitted that claims 1-16 are patentable. It is therefore submitted that the application is in condition for allowance. Notice to that effect is respectfully requested.

If there are any additional fees due in connection with this communication, please charge Deposit Account No. 19-3140.

Respectfully submitted,

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